

extraordinary circumstances. Plaintiffs have failed to carry their burden to establish the extraordinary circumstances necessary to warrant Administrator McCarthy's deposition.

In accordance with Fed. R. Civ. P. 26(c)(1), counsel certifies that the United States has in good faith conferred with counsel for Murray Energy in an effort to resolve this dispute without Court action.

DATED: October 16, 2015

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment & Natural Resources Division

PATRICK R. JACOBI
RICHARD GLADSTEIN
LAURA J. BROWN
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
601 D Street, N.W., Suite 8000
Washington, D.C. 20004
(202) 514-2398 (Jacobi)
(202) 514-1711 (Gladstein)
(202) 514-3376 (Brown)
patrick.r.jacobi@usdoj.gov
richard.gladstein@usdoj.gov
laura.j.s.brown@usdoj.gov

WILLIAM J. IHLENFELD, II
United States Attorney for the
Northern District of West Virginia

/s/ Erin M. Carter
ERIN M. CARTER (WV Bar No. 12608)
BETSY JIVIDEN
Assistant United States Attorneys
U.S. Courthouse & Federal Bldg.
1125 Chapline Street Suite 3000
Wheeling, W.V. 26003
(304) 234-7764
erin.carter@usdoj.gov
betsy.jividen@usdoj.gov

OF COUNSEL:

Matthew C. Marks

United States Environmental Protection Agency

Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

(202) 564-3276

marks.matthew@epa.gov

CERTIFICATE OF SERVICE

I, Erin M. Carter, hereby certify that on this 16th day of October, 2015, I electronically filed the foregoing EMERGENCY MOTION FOR PROTECTIVE ORDER PRECLUDING THE DEPOSITION OF EPA ADMINISTRATOR MCCARTHY with the Clerk of the Court using the CM/ECF system, which will cause a copy to be served upon counsel of record.

/s/ Erin M. Carter

ERIN M. CARTER (WV Bar No. 12608)

Assistant United States Attorneys

U.S. Courthouse & Federal Bldg.

1125 Chapline Street Suite 3000

Wheeling, W.V. 26003

(304) 234-7764

erin.carter@usdoj.gov